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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,543	03/14/2001	Raj Abhyanker	10005751-1	5470

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HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/809,543

Applicant(s)

ABHYANKER, RAJ

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

Applicant amendment of 5-4-04 amended claims 1 – 4, 8 – 10, 17 – 19, 25 and 26 as well as traversed rejections of Claims 1 - 32.

Currently, claims 1- 32 are pending.

### *Claim Rejections - 35 USC § 103*

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1 – 7, 11 – 13, 16, 17, 19 – 21, 24 – 30 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Surfing to Spark market for surplus supplies”, Susan E Fisher; InfoWorld, Framingham; Mar. 20, 2000 (hereafter referred to as “Surplus”) in view of Woolston (US 6,266,651 B1).**

Regarding claim 1 and related claims 17 and 25 (currently amended), Surplus teaches a method, medium and system for reverse logistics (see at least Page 1).

However, Surplus does not specifically disclose a reverse logistics method comprising: offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal;

selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used goods to the actual buyer.

On the other hand Woolston teaches a method, medium and system for reverse logistics, comprising:

offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal (see at least Abstract, Col 2, lines 30 – 54 and Figure 4); selecting at least one of the virtual sellers (see at least Col 3, lines 45 - 49); selling the right to market the used goods to the at least one of the virtual sellers (see at least Col 4, lines 33 – 35); marketing the used goods over the portal under direction of the at least one virtual seller (see at least Abstract, Col 2, lines 51 – 58 and Col 3, lines 19 – 31); identifying an actual buyer (see at least Col 2, lines 36 – 52); and selling the used goods to the actual buyer (see at least Col 2, lines 36 – 52 and Col 5, lines 1- 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method, medium and system of Surplus with the method, medium

and system of Woolston to have enabled a method, medium and system for reverse logistics, comprising: offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used good to the actual buyer – in order to facilitate a two tier method and system for offering a used good to virtual sellers, selecting one who markets the used good(s). Surplus discloses a method and system for reverse logistics (Page 1).

Woolston discloses a method and system for reverse logistics for used goods comprising offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used goods to the actual buyer (Abstract and Col 1, lines 47 – 57).

Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to extend the method and system of Surplus with a method and system comprising offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is

simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used goods to the actual buyer. In this manner, the virtual seller/manufacturer can offer a service that will enable others to purchase used products at a reduce cost. Thereby, the customer's satisfaction will be increased as well as the potential for increased return for the virtual seller as well as the actual seller and thereby increasing the probability that they will continue to work together in the future.

Regarding claim 2 (currently amended), Woolston teaches a method, wherein selling the right to market the used goods further comprises the actual seller and the at least one virtual seller entering into a contract (Col 4, line 33).

Regarding claim 3 (currently amended), Woolston teaches a method, wherein the actual seller, the plurality of virtual sellers and the actual buyer register with the internet exchange portal (Col 4, lines 58 – 67 and Figure 4). Please note that Woolston does not specifically disclose registering. However, registering with online portals is old and well known. Therefore, one of ordinary skill in the art would have been motivated to extend Woolston with the capability to register.

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Regarding claim 4 and related claim 26 (currently amended), Surplus teaches a method, wherein: the at least one virtual seller is a manufacturer of new goods; and the actual seller is a strategic account customer of the manufacturer (Pages 1 and 2).

regarding 5 (original) and related claims 19 (currently amended) and 27 (original), Woolston teaches a method, wherein the selling a right step further includes the step of: charging the actual seller a lower price for acquiring the new goods in exchange for marketing the used goods (Col 4, lines 32 – 36).

regarding claim 6 (original) and related claims 20 and 28 (original), Woolston teaches a method, wherein the marketing step includes the steps of: categorizing the used goods; and differentiating marketing by category (see at least Abstract and Col 2, lines 47 – 54) and (7) wherein the categorizing step includes the step of: categorizing the used goods by their condition (Col 3, lines 47 – 48 and Col 13, lines 40 – 44).

Regarding claim 11 (original), Surplus teaches a method, wherein the categorizing step includes the step of: categorizing the used goods by functionality levels and (claim 12 original) wherein the functionality levels include systems, devices, components, parts, and materials (Pages 1 and 2).

regarding claim 13 and related claims 21 and 29, Woolston teaches a method, wherein: the marketing step includes the step of virtually differentiating a portion of the-used

goods into both a first category and a second category; the identifying step includes the steps of, receiving a first offer for the first category from a first actual buyer; and receiving a second offer for the second category from a second actual buyer, wherein the second offer is of greater value than the first offer; and the selling the used goods step includes the step of selling the portion of used goods to the second actual buyer (see at least Abstract, Col 13, lines 40 – 44 and Col 5, lines 57 – 60).

regarding claim 16 and related claims 24 and 32, Woolston teaches a method including the steps of: obtaining credit for a predetermined amount of funds from a creditor on behalf of the actual buyer; and delaying payment of the funds from the creditor to the actual seller until after the actual buyer inspects and approves the used goods (Col 6, lines 56 – 60).

**Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Surplus and Woolston as applied to claim 4 above, and further in view of Hubbard (US 2001/0039497 A1).**

The combination of Surplus and Woolston substantially disclose and teach the applicant's invention.

However, the combination does not specifically disclose a method, wherein the manufacturer offers new goods at a discount to the actual seller for granting the



manufacturer the right to market the used goods and wherein the manufacturer grants the actual seller credit for granting the manufacturer the right to market the used goods as well as wherein the manufacturer offers the manufacturer the right to market the used goods.

On the other hand and regarding claim 8 (currently amended), Hubbard teaches a method, wherein the manufacturer offers new goods at a discount to the actual seller for granting the manufacturer the right to market the used goods (Abstract and Page 6, Para 0069). Moreover, these incentives programs of virtual sellers in equipment are old and well known to one of ordinary skill in the art at the time of the invention. For example, sellers such as automobile dealers as well as computer manufacturers offered these incentives including discounts on the equipment held by their customers in order to have the customers/actual seller upgrade to newer equipment. Therefore, one of ordinary skill in the art would have been motivated to extend Hubbard with a method for wherein the manufacturer offers new goods at a discount to the actual seller for granting the manufacturer the right to market the used goods

Regarding claims 9 (currently amended) and 10 (currently amended), the recitations "wherein the manufacturer grants the actual seller credit for granting the manufacturer the right to market the used goods" and "wherein the manufacturer offers the manufacturer the right to market the used goods", such recitations are given little patentable weight because it imparts no structural or functional specificity which serves

to patentably distinguish the instant invention from the other "fixed price" already disclosed by Hubbard.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Surplus and Woolston to have enabled a method for wherein the manufacturer offers new goods at a discount to the actual seller for granting the manufacturer the right to market the used goods and wherein the manufacturer grants the actual seller credit for granting the manufacturer the right to market the used goods as well as wherein the manufacturer offers the manufacturer the right to market the used goods – in order to have the actual seller/customer upgrade to new equipment. The combination of Surplus and Woolston disclose a method for reverse logistics, comprising; offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used good to the actual buyer. Hubbard discloses incentive information for specific manufactures CPU' (Page 6, Para 0069). Therefore, one of ordinary skill in the art would have been motivated to extend the combination of Surplus and Woolston with an incentive program to upgrade their equipment/cpu's wherein the manufacturer offers new goods at a discount to the actual seller for granting the

manufacturer the right to market the used goods. Indeed, the customer/actual seller satisfaction will be increased as result of being able to obtain new equipment at a discount as well as the virtual seller/manufacturer removing and selling the old equipment.

**Claims 14, 18, 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Surplus and Woolston as applied to claim 6, 17, 20 and 28 above, and further in view of Shkedy (US 6,260,024 B1).**

The combination of Surplus and Woolston substantially discloses and teaches the applicants invention.

However, the combination does not specifically disclose and teach a method, wherein: the marketing step includes the steps of, virtually differentiating the used goods into a matrix of categories; and simultaneously marketing each of category in the matrix; and the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods.

On the other hand and regarding claim 14 and related claims 22 and 30, Shkedy teaches a method, wherein: the marketing step includes the steps of, virtually differentiating the used goods into a matrix of categories; and simultaneously marketing

each of category in the matrix; and the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods (see at least Abstract, Col 6, lines 50 – 52, Col 7, lines 14 – 20, Col 16, lines 16 – 28 and Figures 1 and 2).

Regarding claim 18 (currently amended), Shkedy teaches a computer-usable medium, further comprising accepting a bid, by the actual seller, from at least one of a plurality of virtual sellers to market the used-goods over the internet exchange portal (Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Surplus and Woolston with the method and system of Shkedy to enable a method, wherein: the marketing step includes the steps of, virtually differentiating the used goods into a matrix of categories; and simultaneously marketing each of category in the matrix; and the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods as well as teaches a computer-usable medium, further comprising accepting a bid, by the actual seller, from at least one of a plurality of virtual sellers to market the used-goods over the internet exchange portal – in order to maximize the return for participants. The combination of Surplus and Woolston disclose a method for reverse logistics, comprising; offering a right to market used goods, owned

by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used good to the actual buyer. Shkedy teaches a method, wherein: the marketing step includes the steps of, virtually differentiating the used goods into a matrix of categories; and simultaneously marketing each of category in the matrix; and the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the actual seller for the used goods (see at least Abstract, Col 6, lines 50 – 52, Col 7, lines 14 – 20, Col 16, lines 16 – 28 and Figures 1 and 2) as well as a computer-usable medium, further comprising accepting a bid, by the actual seller, from at least one of a plurality of virtual sellers to market the used-goods over the internet exchange portal (Abstract).

In that regard, the portal will be able to increase it's liquidity through increased participation by larger number of buyers and sellers. Indeed, the overall satisfaction with the portal will increase for all participants, which will increase the probability that they will recommend the site to others.

**Claims 15, 23 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Surplus and Woolston as applied to claim 6, 20 and 28 above, and further in view of Pallakoff (US 6,269,343 B1).**

The combination of Surplus and Woolston substantially discloses and teaches the applicant's invention.

However, the combination does not specifically disclose and teach a method, wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories; the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller.

On the other hand, Pallakoff teaches a method, wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories; the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller (see at least Abstract, Col 10, lines 56 – 60 and Figures 3 and 4).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Surplus and Woolston with the method and system of Pallakoff to enable teach a method, wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories; the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller – in order to have provided the capability to permit the aggregating sellers offers. The combination of Surplus and Woolston disclose a method for reverse logistics, comprising; offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used good to the actual buyer. Pallakoff discloses a method wherein the marketing step includes the step of: virtually aggregating the used goods from a first actual seller with other used goods from a second actual sellers into a matrix of categories; the identifying step includes the step of receiving a set of offers for each of category in the matrix; and the selling the used goods step includes the step of accepting those offers which maximize value returned to the first actual seller (Abstract and Figures 3 and 4). In this manner, the portal participants and especially the sellers

will be able to combine, which will have increased the totals available to be bid and thereby increasing the potential number of buyer bids. Moreover, the portal will increase its participants and its liquidity, which will increase the probability of increased return for all.

### ***Response to Arguments***

Applicant's arguments filed 5-4-04 have been fully considered but they are not persuasive.

Applicant asserts that the rejection does not satisfy a prima facie case of obviousness. In response to applicant's argument that there is no suggestion to combine the references (Surplus and Woolston), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Surplus discloses and teaches a method and system for a reverse logistics portal (Pages 1, 2 and 3) - for surplus/used equipment. Woolston discloses and teaches a method and system for reverse logistics comprising offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different



virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used goods to the actual buyer (see at least Abstract). Moreover, the references disclose reverse logistics for used/surplus goods (Surplus, Page 1 – 3) and that entail a two-tier electronic market method and system for used goods (Woolston, Abstract). Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to extend the method and system of Surplus with a method and system comprising offering a right to market used goods, owned by an actual seller, for sale over an internet exchange portal wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal; selecting at least one of the virtual sellers; selling the right to market the used goods to the at least one of the virtual sellers; marketing the used goods over the portal under direction of the at least one virtual seller; identifying an actual buyer; and selling the used goods to the actual buyer. In this manner, the virtual seller/manufacturer can offer a service that will enable others to purchase used products at a reduce cost.

Applicant argues with respect to claims 1, 17 and 25 that the references (Surplus and Woolston) do not teach or suggest offering a right to market used goods, “wherein the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal”.

First, Surplus teaches marketing used goods over an internet exchange portal (Page 1). Second, Woolston an internet two tier exchange portal for used goods and does teach and suggest to one of ordinary skill in the art that "the right to market the used goods is simultaneously provided to a plurality of different virtual sellers over the internet exchange portal" (Abstract and Col 2, lines 41 – 47).

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

Alexandria, Va. 22313-1450


or faxed to:

**(703) 872-9306** [Official communications; including  
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**(703) 746-7418** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER

  
Jeffrey A. Smith  
Primary Examiner